

**REGULAR MEETING MINUTES  
CITY COMMISSION**

January 8, 2004

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Jack Quesinberry at 6:30 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

**PRESENT:** Mayor Jack Quesinberry, Commissioners John Harriman, Theo Graham, John Rees and Mildred Dixon

**Also Present:** City Manager Hollis Holden, Assistant City Attorney Lionel Rubio, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Police Chief Jimmie Yawn, City Planner Mark Cechman, Utilities Director Charlie Tinch, Public Works Director Bob Smith, Recreation Director Larry Caskey, Fire Chief John Williamson, Senior Planner Kelly Randall and West Orange Times reporter Michael Laval

**PRESENTATION:**

Mayor Quesinberry and Fire Chief Williamson presented Engineer badges to promoted Firefighters Dan Wassman and Nick Palmer.

1. **APPROVAL OF MINUTES**

Regular Meeting Minutes of December 11, 2003. **Motion by Commissioner Harriman to approve the minutes as submitted. Seconded by Commissioner Dixon and carried unanimously 5-0.**

2. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 03-57: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 118-922 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO MAXIMUM DENSITY FOR PUD DEVELOPMENTS**

Assistant City Attorney Rubio read Ordinance 03-57 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Dixon to approve Ordinance 03-57. Seconded by Commissioner Harriman. Motion carried 4-1; Commissioner Graham opposed.**

- B. **Ordinance 03-58:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 45.23 ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF CR535 AND SOUTH OF THE FLORIDA TURNPIKE AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY C-2 TO CITY PUD; PROVIDING FOR SPECIFIC PUD REQUIREMENTS (Garden South)

Assistant City Attorney Rubio read Ordinance 03-58 by title only. Mayor Quesinberry opened the public hearing. Hearing no comments, the public hearing was closed.

**Motion by Commissioner Dixon to approve Ordinance 03-58. Seconded by Commissioner Harriman and carried 4-1; Commissioner Graham opposed.**

## 2. **FIRST READING OF PROPOSED ORDINANCES**

- A. **Ordinance 04-01:** AMENDING ORDINANCE 03-37, THE CITY OF WINTER GARDEN FISCAL YEAR 2003-2004 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS

Assistant City Attorney Rubio read Ordinance 04-01 by title only and stated that the total anticipated revenues and expenses equal \$7,920,309. **Motion by Commissioner Harriman to approve Ordinance 04-01 with the second reading and public hearing on January 22, 2004. Motion was seconded by Commissioner Rees.** Commissioner Dixon asked if the Maxey Center computer instructor was included in the carry-over funds. Finance Director Bollhoefer stated that the instructor has been funded in the current budget. **Motion carried unanimously 5-0.**

- B. **Ordinance 04-02:** AMENDING THE CODE OF ORDINANCES, CHAPTER 26 CEMETERIES, ARTICLE II; AUTHORIZED TO EXECUTE EASEMENTS; REMOVING "DEED" AND REPLACING IT WITH "USE OF EASEMENT CERTIFICATE"; ADDING DAUGHTER-IN-LAW AND SON-IN-LAW AS IMMEDIATE FAMILY; RESIDENCY REQUIREMENTS FOR PURCHASING AT THE RESIDENT RATE; HOURS CITY PERSONNEL ARE TO BE ON CEMETERY SITE; ESTABLISHING REGULATIONS AND FEES FOR COLUMBARIUM NICHES

Assistant City Attorney Rubio read Ordinance 04-02 by title only. **Motion by Commissioner Rees to approve Ordinance 04-02 with the second reading and public hearing on February 12, 2004. Motion was seconded by Commissioner Harriman.** Commissioner Graham asked what type of work the employee would be doing from 8:00 a.m. to 4:00 p.m. Public Works Director Smith stated that the on-site employee is the Cemetery Sexton who does maintenance, coordinates services, and many other tasks. Commissioner Graham asked if the plots still could only be sold back to the City. City Manager Holden stated the provision is still in effect because that section is not being amended. **Motion carried unanimously 5-0.**

- C. **Ordinance 04-03:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF PROPERTY GENERALLY DESCRIBED AS 2.00 ACRES OF LAND LOCATED AT 700 WEST PLANT

**STREET FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL**

Assistant City Attorney Rubio read Ordinance 04-03 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-03 with the second reading and public hearing on February 12, 2004. Motion was seconded by Commissioner Dixon.** Commissioner Rees stated that he is voting in favor of a public hearing on this matter, which does not necessarily reflect his final vote. **Motion carried 4-1; Commissioner Graham opposed.**

**D. Ordinance 04-04: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING A 2.00 ACRE LOT LOCATED AT 700 WEST PLANT STREET MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-2 TO CITY R-NC**

Assistant City Attorney Rubio read Ordinance 04-04 by title only. **Motion by Commissioner Harriman to approve Ordinance 04-04 with the second reading and public hearing on February 12, 2004. Motion was seconded by Commissioner Dixon and carried 4-1; Commissioner Graham opposed.**

**4. REGULAR BUSINESS**

**A. Resolution 04-03: Recommending the approval of Image Technical Services as a “Qualified Target Industry” under the Qualified Target Industry Tax Refund Program; committing to local financial support under the QTI Program; committing to local financial support under the Brownfields Redevelopment Bonus Refund Program**

Assistant City Attorney Rubio read Resolution 04-03 by title only. City Planner Cechman stated that this item is for a State funded program with a city match, and staff feels it is appropriate. **Motion by Commissioner Graham to approve Resolution 04-03. Seconded by Commissioner Harriman and carried unanimously 5-0.**

**B. Recommendation to approve Change Order #3 for the Wastewater Treatment Plant**  
Utility Director Tinch stated that the Changer Order is for removal and disposal of landfill debris in conjunction with the construction of a stormwater pond; installation of a guardrail along the top of the retaining wall in accordance with the Building Code; and changing three exterior door panels from glass to solid flush doors for improved security. The proposed change order amounts to a total of \$331,016. City Manager Holden stated that there is additional work to be done regarding remediation of the old landfill and therefore, additional change orders will be submitted to the City Commission in the future. **Motion by Commissioner Harriman to approve Change Order #3 for the Wastewater Treatment Plant. Seconded by Commissioner Dixon and carried unanimously 5-0.**

**C. Recommendation to approve Amendment #2 to the Professional Services Agreement with Boyle Engineering for the Crest Avenue Wastewater Treatment Plant Expansion Project**

Utility Director Tinch stated that this item is for additional engineering and professional fees for construction and operational phases of the project, in an amount not to exceed \$106,920. **Motion by Commissioner Rees to approve Amendment #2 to the Professional Services Agreement with Boyle Engineering for the Crest Avenue Wastewater Treatment Plant Expansion Project. Seconded by Commissioner Graham and carried unanimously 5-0.**

D. **Recommendation to Approve Submittal of Emergency Management Preparedness and Assistance (EMPA) Competitive Grant and Municipal Competitive Grant Applications**

Fire Chief Williamson stated that the grant application request is to fund improvements at City Hall for emergency operations. City Manager Holden stated staff has been trying every year for this funding and he hopes to receive it this year. **Motion by Commissioner Graham to approve and authorize the submittal of Emergency Management Preparedness and Assistance (EMPA) Competitive Grant and Municipal Competitive Grant Applications. Seconded by Commissioner Harriman and carried unanimously 5-0.**

E. **Recommendation to approve the Final Plat for Daniels Landing**

City Planner Cechman stated that this is a townhome project on CR535 that staff has reviewed and recommends approval. The Planning and Zoning Board has also reviewed the project and recommends approval. **Motion by Commissioner Harriman to approve the Final Plat for Daniels Landing. Seconded by Commissioner Dixon. Commissioner Rees asked when this property was zoned R-3. City Manager Holden stated that it was about four years ago. Motion carried unanimously 5-0.**

F. **Recommendation to approve the Re-Plat of Boyd/Lutz**

City Planner Cechman stated that this is a plat for five units between E. Crest Avenue and Main Street, which staff and the Planning and Zoning Board both recommend approval. Commissioner Graham asked if the Austin house would remain. The resident of the house stated that the house will stay. **Motion by Commissioner Rees to approve the Final Plat of Boyd/Lutz. Seconded by Commissioner Graham and carried unanimously 5-0.**

4. **MATTERS OF CONCERN FROM CITIZENS**

**Leonard Collins**, 57 Lakeview Reserve Blvd., Winter Garden, Florida, stated that the Commission previously approved him for 19 parking spaces for his businesses at the corner of Story Road and 9<sup>th</sup> Street before improvements were completed. He was not aware of any additional requirements as part of the approval until he tried to obtain his occupational license. Mr. Collins stated that the building was completed in 1999 and has always had two suites. His wife operates a beauty parlor in one suite and he has requested approval for an auto sales business in the other, with an area to display cars for sale. His future plans include building a car wash on the same site. He has completed the retention pond and added seven more parking spaces. He requested approval of the additional parking, not temporary approval for six spaces. City Manager Holden stated that staff will not approve the

occupational license because there are not 19 parking spaces at this time and only a portion of the improvements have been made. The St. Johns River Water Management District, not the City, establishes the retention requirement. Staff did take into consideration the partial completion of the parking spaces and calculated that the site could handle a total of six spaces. However, Mr. Collins did not want the limited license and therefore he must complete the project prior to receiving his occupational license. Mr. Collins stated that limiting the number of cars is one thing, but that his license should not be limited in duration. Mr. Holden stated additional site requirements must be made such as installing more exits. Mayor Quesinberry stated that this is an issue that needs to be addressed with staff because this is not an agenda item for Commission action.

**Don Miller**, 1073 Woodson Hammock Circle, Winter Garden, Florida stated that on behalf of the Winter Garden Homeowners' Coalition, he has some questions. First, he asked when the West Crown Point Road improvements are scheduled to be completed. Public Works Director Smith stated that it will be complete by the end of the month. Mr. Miller stated that the sidewalk at Lulu Creek is also blocked by construction. Public Works Director Smith stated that he would check on the sidewalk blockage and get back with Mr. Miller.

**Kent Horsley**, (no address given) Winter Garden, Florida, stated that he is concerned about the two developments bordering Tuscany and the potential for future drainage problems because the grading is approximately 18 to 20 inches above the Tuscany subdivision and he would like assurances that that the City is taking care of it. City Manager Holden stated no certificate of occupancy would be issued unless the area is built to the approved engineering plans and the development must retain all its own drainage. Mr. Horsley also stated that Tuscany has some manholes in the street that appear to be sinking. Mr. Holden stated that the Public Works Department will be glad to fix those that are a problem.

5. **MATTERS FROM ASSISTANT CITY ATTORNEY - None**

6. **MATTERS FROM CITY MANAGER**

A. **Financial Statement for November 2003**

Stated that the budget is on track and he is available to answer any questions.

B. **Participation in the Chamber of Commerce Champions event**

**Motion by Commissioner Harriman to approve the purchase of one table. Seconded by Commissioner Rees and carried unanimously 5-0.** City Manager Holden stated that the Chamber has also requested the appointment of a member to the Community Champions Gala Nomination Committee. By consensus, the Commission selected Commissioner Harriman.

C. **Announced that a Public Hearing would be held on January 13, 2004 at 4:30 p.m. in the City Hall conference room regarding expansion of the Brownfields Area, which is currently the Community Redevelopment Area**

- Stated that he met with Orange County School Board staff member Dan Buckman and they discussed the future plans for the old Dillard Street School. The School Board plans to tear down Building 4 and retain the entire site for Alternate Education offices. Mr. Holden was happy to report that traffic flow for the new school across the street is moving very well.

## **7. MATTERS FROM MAYOR AND COMMISSIONERS**

### **Commissioner Rees:**

Asked why the traffic is not moving simultaneously, north and south, on Dillard Street. City Manager Holden stated that he has asked that same question and DOT has indicated that staggered signalization moves more cars.

### **Commissioner Dixon:**

Announced that the West Orange Task Force has been revived and they are conducting meetings again. Stated that she will be addressing the enclaves that exist within the City with officials in Tallahassee.

Stated that there are vehicles speeding in East Winter Garden where children are present and she would like to have speed bumps installed. She will be speaking with the Police Chief about this issue.

### **Mayor Quesinberry:**

Stated that the City Clerk Montoya has provided the Commission with a memo regarding some questions on the upcoming election that will be held in conjunction with the County Presidential Preference Primary election. City Clerk Montoya stated that there are two issues, with the first relating to the City limit on the number of absentee ballots returned by any one person because the County has no limitation. If the Commission wants to maintain the restriction during the joint election, she recommended that an insert be added to the absentee ballot explaining the City's requirements. Second, in order for the City to canvass their absentee ballots, the City would have to do the advertising, rent the tabulating equipment, and operator; otherwise, the Commission could designate the County Canvassing Board as their canvasser after approving the criteria for accepting the ballots. Mr. Cowles would be scheduled for a future meeting to make a presentation on the County's criteria. It was the consensus of the City Commission to schedule the presentation and authorize the County Canvassing Board to process the absentee ballots.

The meeting was adjourned at 7:32 p.m.